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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,796	10/06/2000	David Hagen	4681-004	2907

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EXAMINER	
CHANG, SABRINA A	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/680,796

Applicant(s)

HAGEN, DAVID ET AL.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/06/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what "with payment means proximate said communications system" comprises.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what the recitation of "locating a customer communication station" entails.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 14, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Randle, et al. U.S. Patent No. 5,774,663.

Randle discloses a method and system for providing banking services via video, in real-time, to customers at a plurality of remote locations from a plurality of bankers (agents). This method includes providing at least one customer kiosk (customer communication station) at a

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remote location with the kiosk having a video camera, a video screen (pivotal video monitor), means for receiving customer input and means by which a customer can register a request for video connection to a banker (customer interaction interface associated with the communication station for permitting the customer to communicate and interact with the one or more remotely located sales agents) [Col 2, Line 40]. The kiosks may also include a keyboard which allows the customer or banker to enter information (the customer interactive interface including a keyboard and an audio input for permitting the customer to communicate with a sales agent located at the remote location) [Col 5, Line 47. Element 40, Fig. 1].

A camera is provided to enable video transmission of the customer's and/or banker/s image or other visual information (communication station is adapted to be communicatively linked to the remote location such that video and audio generated by the sales agent can be communicated from the remote location to one or more selected video monitors associated with the communication station for viewing by the customer) [Col 5, Line 47]. On the video screen, a portion of the display can include real-time video images of the banker or customer [Col 5, Line 52], while the rest of the screen can be used to access relevant information – customer data, interest rates, etc [Col 6, Line 30].

With respect to claim 8, the nature of Randle – i.e. operating in a financial services capacity – inherently comprises the to conduct payment/transactions via the network.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-13, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randle et al. U.S. Patent No. 5,774,663, as applied in claims 1, 14, 15, and 18 in view of Martino et al. U.S. Patent No. 6,061,646.

Randle does not disclose a customer/agent communication system comprising:

- Voice recognition software for receiving a customer voice input and presenting said voice input as a textual image wherein the image is displayed to the customer and or the sales agent
- Translation software for translating the textual image version of the voice input to another language
- Text to voice software which receives a translated version of the voice input and emits an audible version of the textual image in the translated language

Martin teaches a method for providing information in response to a question in one of a plurality of natural spoken languages. The method begins by recognizing a detected utterance with a speech recognition engine equipped with a plurality of dictionaries (voice recognition and translation software). The method selects one of the plurality of languages as the language of the detected utterance. A more thorough recognition of the detected utterance using a large dictionary for the language of the detected utterance is used to interpret the spoken words (voice to text). Finally the method response to the user in the selected language either aurally or visually (text to voice software).

Martin does not explicitly disclose the operation of this multilingual translation kiosk in the context of interaction with a live agent. It would however have been obvious to modify the live customer/agent interaction system of Randle et al. to include voice and translation technologies, as taught by Martin, in order to facilitate interaction between the two parties. In that Martin is specifically designed for application in a customer service setting, as is Randle, the

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combination of these existing technologies would have been obvious to facilitate a broader-reaching, international-friendly interface – thereby increasing the number of agents who can help a customer.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ulterwyk discloses a system for providing personal financial services utilizing video conferencing between a consumer and a services provider at a location remote from the consumer. It does not disclose a kiosk-based customer service system.

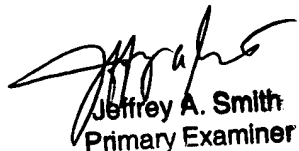
Kaspar and Beardsley disclose kiosk systems. Neither disclose a kiosk capable of facilitating interaction between a customer and agent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703 308 3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC

  
Jeffrey A. Smith  
Primary Examiner